

REMARKS

INTRODUCTION

Claims 1-4 and 6-9, 12-15 and 17-19 were previously and are currently pending and under consideration.

Claims 10, 11, 16, 21 and 22 are allowed.

Claims 1-4, 6-9, 12-15, and 17-19 are rejected.

Dependent claims 4 and 9 are amended for consistency with their parent claim.

No new matter is being presented, and approval and entry are respectfully requested.

REJECTIONS UNDER 35 USC § 103

In the Office Action, at pages 2-7, claims 1-4, 6-9, 12-15 and 17-19 were rejected under 35 U.S.C. § 103 as being unpatentable over Herman and Houvener in view of Chang. This rejection is traversed and reconsideration is requested.

OVERVIEW

Applicant respectfully notes that although the rejected claims have been substantially amended, the rejection of the claims has been repeated almost verbatim, including the quotation of old claim language rather than current claim language. Applicant now must consider the possibility of appealing the rejections. So that Applicant can fully evaluate the merits of the current rejection and also the necessity of appealing the rejections, Applicant respectfully requests below a more complete explanation of the rejection that addresses all of the words of the currently rejected claims. The rejection is also traversed for other reasons explained below.

REQUEST FOR CLARIFICATION

MPEP 706.07 states that: "The examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal. However, it is to the interest of the applicants as a class as well as to that of the public that prosecution of an application be

confined to as few actions as is consistent with a thorough consideration of its merits." To develop clear issues and to avoid an excessive number of office actions, Applicant respectfully requests clarification of the rejection.

At the top of page 3 of the Office Action, the rejection addresses *old* claim language; "an identification code that comprises receipt information and predetermined password information while a transaction is in progress, the receipt information comprising a serial (or receipt number identifies [sic] the started transaction session and indicates the order in which a predetermined transaction with a user was received". The rejection then mentions Herman's "smart receipt" and "owner ID 726 for entering an identification code associated with the owner of the object". Applicant requests the Examiner to clarify exactly what in Herman is being compared to the identification code (actually, "session identification code", see claim 1). Is the smart receipt itself considered to be the subject code? Is the password considered to be the code? Is the password of Herman considered to be the session identification code? Applicant also requests an explanation of what in Herman is considered to be a *code* that is "a *combination* of a serial number and a predetermined security token".

INCOMPLETE REJECTION

MPEP 2143.03 correctly states the requirement that "All words in a claim must be considered in judging the patentability of that claim against the prior art". The rejection is traversed because it failed to consider all words of the claims.

The rejection is incomplete because it addresses language not found in the rejected claims. The rejection states that "Applicant's claimed invention ... compris[es] the steps of: issuing an identification code that comprises receipt information and predetermined password information ... receipt information comprising a serial (or receipt) number identifies the started transaction session and indicates the order in which a predetermined transaction with a user was received" (Office Action, page 3, top). However, none of the independent claims rejected in item 5 recite "steps of", or "password information", or "receipt information", "predetermined transaction", or "indicat[ing] the order in which a predetermined transaction with a user was received". The rejection also truncates "session identification code" to mere "identification code".

These errors make it impossible for the Applicant to address the rejections. For example, the rejected claims do not state "an identification code", they recite "a session identification code". The Examiner compares an "identification code" to password information (see page 3, lines 4 and 12). However, a password is a *user* identification code not a session identification code, and the smart receipt is not a *session* identifier but rather a record of a completed transaction.

The rejection is also traversed for incompleteness because it fails to address all of the language of the rejected claims. Claim 1, for example, recites "the issued session identification code is used by the transaction system to identify and manage the transaction session when the user, by exchanges via the network between the user's terminal and the transaction system, interactively adds/removes commodities to/from the transaction session before its completion". Nowhere does the rejection mention or address this feature. At item 6, the rejection does mention "<< a transaction session >>", but does not address the nature of the transaction session as qualified by the words and context of the rejected claims (e.g. exchanges to add/remove commodities before sales transaction completion). The rejection should be withdrawn because it does not address the feature mentioned above.

Claim 1 recites "the serial number ... indicates a transaction order in which the transaction with the user was started relative to other transactions of the transaction system". The rejection does not mention, acknowledge, or address this feature. Note that the transactions are commodity sales transactions. Withdrawal of the rejection is requested.

CHANG DISCLOSES A NETWORK ACCESS SESSION, NOT A COMMODITY SALE TRANSACTION SESSION

The rejection is also traversed because Chang's identifier is only an identifier to verify a session for accessing a network per se ("A method ... for validating access to a network system", column 4, lines 20-22). Also, under the heading "Operational Context", Chang mentions "establish a session with the network access server" (column 4, lines 31-43, emphasis added). In other words, Chang is only a *network access* session. For example, a session of using a private IP network. Therefore, it does not relate to a user adding/removing commodities during a *transaction* session, and it does not have or need a transaction number. Although a network as

in Chang might carry transaction-type information, there is nothing in Chang that suggests creating or using a particular commodity sale transaction session identifier. Withdrawal of the rejection is requested.

The citation of Chang also points out the failure to consider the individual claims as respective wholes. Claim 1's transactions are "commodity sale transactions". Chang's transactions are logins to access a network; no sales are mentioned or suggested. Further, one skilled in the art would not confuse a transaction system for conducting sales with a system for controlling access to a data network. Withdrawal of the rejection is requested.

ADVANTAGE NOT FOUND IN PRIOR ART

With claim 1, for example, a commodity purchase transaction session can be conducted with greater convenience and support than was previously possible. Claim 1, for example, has a single/combined displayable session identifier code that both identifies a transaction relative to other transactions and yet also has built into it a security aspect (e.g. security token). With this feature, a user having only a transaction session identifier displayed during a transaction can easily obtain help with a transaction (e.g. by telephoning customer support) because the session identifier identifies the transaction. However, despite the fact that session identifiers are known/displayed, a malicious other user cannot guess or jump-into another user's transaction using the session identifier because the malicious user does not know the security token part of another user's transaction session. The prior art, alone or combined, does not provide this advantage. Herman only provides an improved receipt that can be changed after a transaction has finished. Chang only provides control of remote access to a network itself. Houvener only displays a picture of a person when the person pays with a check or credit card. None of these references relate to or suggest that there is a problem with malicious usurping of transaction numbers, session identifiers, etc. used and displayed during transaction sessions of the type where commodities are added/removed to formulate a purchase to be made.

NO PRIMA FACIE CASE OF OBVIOUSNESS

The rejection is also traversed because a prima facie case of obviousness has not been made. More specifically, the provided motive to make the combinations is not specific and does

not explain why one skilled in the art would have been motivated to make the proposed modifications. The Examiner bears the burden of establishing a *prima facie* case of obviousness based upon the prior art..."[the Examiner] can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." In re Fritch, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992). Nothing in the rejection explains what would have led one to make the proposed modifications. Motives such as "would verify the identity of the user ..." (page 3, bottom) and "because such modification would verify the identity of the user using session and token identifiers" do not indicate what would have *led* one to make the proposed modifications. These are only statements of the possible *result* of the proposed modifications. Furthermore, as stated in Ex parte Obukowicz, 27 USPQ 2d 1063, 1065 (B.P.A.I. 1992), "[t]he examiner can satisfy this burden [of showing obviousness] only by showing some objective teaching in the prior art ... *would lead that individual to combine* the relevant teachings of the references." Applicant requests withdrawal of the rejection or an explanation of specifically what facts in the prior art would have suggested or led to the proposed modifications.

A *prima facie* case of obviousness has also not been made because "TO RELY ON A REFERENCE UNDER 35 U.S.C. 103, IT MUST BE ANALOGOUS PRIOR ART" (MPEP 2141.01(a)). While Herman is in the field of "electronic commerce" (column 1, line 11), Chang is in the field of "management of computer networks" (column 1, lines 13-14) and more specifically a "provid[ing] for the use of Token cards with hands-off devices, such as routers and other devices" (column 3, lines 18-21). A *prima facie* case of obviousness has not been made because Herman and Chang are significantly non-analogous. Withdrawal of the rejection is respectfully requested.

REQUEST THAT ANY FURTHER ACTION HEREIN BE MADE NON-FINAL

Because of the non-responsiveness and incompleteness of the present action and its outright errors in not even addressing the pending claims, Applicant respectfully requests that a further Action cuing these deficiencies that the present Action be made non-final and, if other than an allowance of all pending claims, that it be made non-final so that Applicant is afforded a first opportunity in this prosecution to respond on the merits.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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